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*Attorneys for Plaintiff Prutsman*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN PRUTSMAN, on behalf of himself and on behalf of all others similarly situated,

Plaintiff,

V.

## NONSTOP ADMINISTRATION AND INSURANCE SERVICES, INC.,

Defendant.

Case No.: 3:23-cv-01131

**PLAINTIFF'S ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
CASES SHOULD BE RELATED  
PURSUANT TO CIVIL LOCAL  
RULE 3-12**

## CLASS ACTION

Plaintiff John Prutsman, individually and on behalf of all others similarly situated, by and through his undersigned counsel, hereby moves pursuant to Local Rule 3-12 for a determination that the Court relate *Sunny Lai v. Nonstop Administration and Insurance Services, Inc.*, Case No. 3:23-cv-01323-LB (N.D. Cal., filed March 21, 2023) (“*Lai*”) to the first filed action, *John Prutsman v. Nonstop Administration and Insurance Services, Inc.*, Case No. 3:23-cv-01131 (N.D. Cal., filed March 14, 2023) (“*Prutsman*”).

## **I. BRIEF STATEMENT OF THE RELATIONSHIP OF THE ACTIONS**

Local Rule 3-12(a) states that an action is related to another when:

- (1) The actions concern substantially the same parties, property, transaction, or event; and
- (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.

1 Both criteria are met here. First, the *Prutsman*, and *Lai* actions concern substantially the  
 2 same parties, transaction, or event:

3       1. Plaintiffs in both *Prutsman* and *Lai* assert claims against a common Defendant,  
 4 Nonstop Administration and Insurance Services, Inc. (“Defendant”).

5       2. Plaintiffs in both *Prutsman* and *Lai* allege that they are victims of a data security  
 6 breach first detected by Defendant on or about December 22, 2022 and which lead to the  
 7 compromise of their protected health information (“PHI”) and personally identifiable information  
 8 (“PII”). Plaintiffs each bring claims based on allegations regarding this data security breach  
 9 (compare *Prutsman*, ECF No. 1 ¶¶ 2-4 (“*Prutsman* Compl.”) with *Lai*, ECF No. 1 ¶¶ 1-3 (“*Lai*  
 10 Compl.”)).

11       3. The actions seek to hold Defendant liable for the security incident, based on  
 12 allegations concerning Defendant’s data security practices with respect to Plaintiffs’ PHI/PII.  
 13 (compare *Prutsman* Compl., ¶¶ 4, 9 with *Lai* Compl., ¶¶ 6-9).

14       4. The actions also seek the same or overlapping relief. (compare *Prutsman* Compl.,  
 15 pp. 21-29 with *Lai* Compl., pp. 20-29).

16       5. The putative classes in each case also overlap: Plaintiffs both seek to represent a  
 17 nationwide class of persons whose data was allegedly compromised as a result of Defendant’s  
 18 failure to maintain adequate data security. (compare *Prutsman* Compl., ECF No. 1 ¶ 82 with *Lai*  
 19 Compl., pp. 20-29 (“*Lai* Compl.”)).<sup>1</sup>

20       Cases are routinely related in similar circumstances pursuant to this Court’s local rules.  
 21 *See, e.g., Power Integrations, Inc. v. Chan-Woong Park*, No. 16-CV-02366-BLF, 2019 WL  
 22 119969, at \*1 (N.D. Cal. Jan. 7, 2019) (relating cases involving the same parties and overlapping  
 23 UCL claims); *Pepper v. Apple Inc.*, No. 11-CV-06714-YGR, 2019 WL 4783951, at \*1-2 (N.D.  
 24 Cal. Aug. 22, 2019) (relating cases with overlapping claims and parties).

25  
 26  
 27  
 28 <sup>1</sup> Plaintiff Lai also seeks to represent a subclass of California residents. (See *Lai* Compl. ¶ 29).

1       Second, due to their similarity, if not treated as related, the cases are likely to require  
2 substantial duplication of effort and expense and present a potential danger of inconsistent rulings  
3 regarding the same issues of law.

4       Relating the *Prutsman* and *Lai* cases will allow a single judicial officer to more efficiently  
5 guide all actions towards resolution. Otherwise, the parties and Court would expend resources  
6 engaging in parallel and overlapping adjudication of the same issues. Because these actions are  
7 connected, the ultimate outcome in each matter will affect all parties. A single judge presiding  
8 over the actions will not only avoid duplication of both labor and expense but will also maximize  
9 the potential for the cases to be resolved expeditiously.

10      As stated above, pursuant to Civil Local Rule 3-12, the Court should relate *Lai* to the  
11 lowest-numbered case, *Prutsman*.

12                    **II. LOCAL RULE 7-11 COMPLIANCE**

13      Pursuant to Local Rule 7-11, counsel for *Prutsman* has obtained a stipulation to this  
14 administrative motion from counsel for *Lai* and Defendant has not yet made an appearance in  
15 either matter.

17      DATED: March 29, 2023

18                    Respectfully Submitted,

19                    /s/ John J. Nelson  
20                    John J. Nelson (SBN 317598)  
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27                    *Attorney for Plaintiff Prutsman and the Proposed  
28                    Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify the foregoing document is being served today on all counsel of record in this case via transmission of Notice of Electronic Filing generated by CM/ECF.

/s/ John J. Nelson  
John J. Nelson, Esq